

# **EXHIBIT 1**

WILLIAM SELMER, DDS  
GEVAS v. McCANN

February 1, 2013

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID C. GEVAS,	)	
Plaintiff,	)	
-vs-	)	No. 08 C 3074
TERRY McCANN, et al.,	)	
Defendants.	)	

The deposition of WEXFORD HEALTH SOURCES, INC., through WILLIAM SELMER, DDS, called for examination, taken pursuant to Federal Rules 30(b)(6) and 45 of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before V. LINDA BOESCH, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter, CSR No. 84-3108, of said state, at Suite 5100, 111 South Wacker Drive, Chicago, Illinois, on February 1, 2013, at 9:31 a.m.

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1 A. Yes.

2 Q. The other doctors you mentioned, who do  
3 they work for? Fishman?

4 A. State of Illinois.

5 Q. Saffold?

6 A. Same.

7 Q. Gary?

8 A. Garge.

9 Q. Garge. I can't read my own writing,  
10 Garge?

11 A. Same.

12 Q. So you're the only dentist -- the only  
13 doctor from Wexford?

14 A. Yes.

15 Q. And did all those other doctors you  
16 mentioned -- excuse me -- did any of those doctors  
17 you mentioned that work for the State, Fishman,  
18 Saffold, Garge, or Mitchell, did they work in the  
19 dentist office during -- from January to June  
20 of 2007?

21 A. Yes.

22 Q. Which ones?

23 A. All of the above. All the ones I  
24 mentioned worked there.

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1 Q. Were they practicing dentists?

2 A. Yes.

3 Q. They treated patients?

4 A. Yes.

5 Q. What about from February, 2007, to June,  
6 2007; same answer?

7 A. Yes.

8 Q. What were their titles, if you know?  
9 Include yourself in there.

10 A. There are only two titles you're going to  
11 have. It's going to be DDS and DMD. I don't know  
12 who had which designation but, educationally, those  
13 would be the designations.

14 Q. Was anyone a Chief Dentist?

15 A. Dr. Mitchell.

16 Q. And you'd describe the rest as just  
17 dentists?

18 A. Yes.

19 Q. Did yourself, Dr. Selmer, and the other  
20 dentists, Drs. Fishman, Saffold, and Garge, did they  
21 report to Dr. Mitchell?

22 A. I think as the State hierarchy has it, if  
23 they needed to report anything, they would have to  
24 report to Dr. Mitchell or the Health Care Unit

1 books discarded?

2 A. No.

3 Q. Okay. Dr. Ghosh also testified that  
4 Dr. Mitchell -- that she was the Dental Director. Is  
5 that your understanding as well?

6 A. I was using the term Chief Dentist and  
7 Dental Director interchangeably. I don't know which  
8 one is which.

9 Q. I don't, either. Is it your  
10 understanding that those terms are interchangeable?

11 A. That's the way I took it.

12 Q. Okay. I'd like you to look at Exhibit 2  
13 again. Go to Page WEX194.

14 Is this a job description for the Chief  
15 Dentist?

16 A. That's what it says in the title.

17 Q. Okay. Does this describe -- take a  
18 minute to look through the bullet points on what the  
19 Chief Dentist is supposed to do. There's 13 so it  
20 might take you a minute.

21 And I want you to have in mind whether  
22 these describe Dr. Mitchell's role during early 2007  
23 when she was the Chief Dentist. That's what I'm  
24 going to ask you after you finish reading that.

WILLIAM SELMER, DDS  
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1           A.     Okay. I read it. I think what I can say  
2     is that I can't say this is an outline of  
3     Dr. Mitchell's -- you know, honestly, I can't say  
4     this is an outline of Dr. Mitchell's responsibilities  
5     because I never read what her responsibilities were.

6           Q.     Okay. Well, let's just go through. Let  
7     me ask you.

8                     From January 30th, 2007, because that's  
9     kind of an important date in this case so I'm just  
10    going to start there instead of saying just all of  
11    January.

12                    From January 30th, 2007, through June  
13    of 2007, did you ever see Dr. Mitchell, No. 1,  
14    "provide preventative and restorative dental  
15    services" to anybody?

16           A.     Yes.

17           Q.     Okay. Did you ever see her "perform and  
18    interpret radiographic examinations as indicated"?

19           A.     Yes.

20           Q.     Did you ever see her "perform operative  
21    dentistry including appropriate repair of caries"?

22           A.     Yes.

23           Q.     Did you ever see her "repair and fit  
24    proper prosthetic devices"?

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1 A. Yes.

2 Q. Did you ever see her "supervise staff in"  
3 the following:

4 "Cleaning teeth, making  
5 impressions for prosthetic devices,  
6 planning and maintaining oral  
7 hygiene program, completing  
8 appropriate records accurately, and  
9 all procedures associated with the  
10 provision of dental care"?

11 A. Yes.

12 Q. Did you ever see her "arrange proper  
13 referral for procedures that cannot be performed  
14 on-site at facility"?

15 A. Yes.

16 Q. Did you ever see her "provide supervision  
17 of staff in instruction of residents in preventative  
18 practices for maintaining proper oral hygiene"?

19 A. Can't say that I have.

20 Q. Okay. Ever see her "submit monthly  
21 report of Dental Department activities"? Or do you  
22 know whether she did?

23 A. Yeah. Yeah. Okay. Yes.

24 Q. Do you know whether she "attended Medical

1     Audit Committee meetings"?

2             A.     That I don't know.

3             Q.     Do you know whether she "participated in  
4     a staff development program"?

5             A.     That I don't know.

6             Q.     Do you know whether she "developed and  
7     updated departmental policies and procedures"?

8             A.     That I don't know.

9             Q.     Do you know whether she "supervised and  
10    evaluated all assigned dental staff"?

11            A.     Yes.

12            Q.     She supervised all those other folks you  
13    talked about earlier, right?

14            A.     She was the supervisor, so her  
15    supervising, that's something you'd have to ask her  
16    it seems like.

17            Q.     Yeah, I'm not asking you to evaluate how  
18    she did as a supervisor. But that was her role, to  
19    supervise the other dentists?

20            A.     I'm just saying yes because I know that  
21    was her assigned role, so....

22            Q.     Got it. Do you know whether she  
23    "reviewed all outside referrals of staff dentist to  
24    assure the necessity for such referrals"?



## **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID GEVAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 3074
	)	
MIKE BORKOWSKI, C/O HENDERSON,	)	
WEXFORD HEALTH SOURCES, INC.,	)	
DR. PARTHA GHOSH and DR.	)	
EVARISTO AGUINALDO,	)	Chicago, Illinois
	)	July 8, 2011
Defendants.	)	9:50 a.m.

VOLUME 3  
TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE RONALD A. GUZMAN AND A JURY

APPEARANCES:

For the Plaintiff:	MS. BARBARA JEAN CLINITE Attorney at Law P.O. Box 2451 Chicago, Illinois 60690 (312) 977-1985
For the Defendants Borkowski and Henderson:	ILLINOIS ATTORNEY GENERAL'S OFFICE BY: MR. MATTHEW M. SMITH MR. CHRISTOPHER E. WALTER 100 West Randolph Street 13th Floor Chicago, Illinois 60601 (312) 814-4329
For the Defendants Ghosh and Aguinaldo:	CHARYSH & SCHROEDER, LTD. BY: MR. MICHAEL JOHN CHARYSH 33 North Dearborn Street Suite 1300 Chicago, Illinois 60602 (312) 372-8338

1 BY THE WITNESS:

2 A. I told -- I didn't contact Dr. Mitchell because she was  
3 handling -- she was an acting health care administrator, still  
4 in charge of the dentistry department because Dr. Selmer was  
5 working under her. And I told Mr. Gevas to contact  
6 Dr. Mitchell to do that.

7 BY MS. CLINITE:

8 Q. You told Mr. Gevas?

9 A. Well, not told. I wrote the grievance answer.

10 Q. And you wrote that to -- sent it to the counselor, right?

11 A. Yes.

12 Q. So you didn't actually tell Mr. Gevas --

13 A. No.

14 Q. -- to contact anybody?

15 A. No.

16 Q. Okay. You didn't contact Dr. Selmer about the grievance,  
17 did you?

18 A. No, but he is -- no, I didn't talk to Dr. Selmer.

19 Q. Okay. And in April '07, nothing really prevented you from  
20 contacting the dental clinic and asking them to see Mr. Gevas  
21 right away?

22 A. I feel if there was a need, I would have contacted. I  
23 thought at that point, it has become a bad tooth. It has to  
24 be extracted electively.

25 Q. And so if you had seen Mr. Gevas on -- in April and seen

# **EXHIBIT 3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID C. GEVAS,	)
Plaintiff,	)
-vs-	) No. 08 C 3074
TERRY McCANN, et al.,	)
Defendants.	)

The deposition of WEXFORD HEALTH SOURCES, INC., through ARTHUR FUNK, called for examination, taken pursuant to Federal Rules 30(b)(6) and 45 of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before V. LINDA BOESCH, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter, CSR No. 84-3108, of said state, at Suite 5100, 111 South Wacker Drive, Chicago, Illinois, on March 27, 2013, at 9:36 a.m.

1 BY MR. DONOHO:

2 Q. This is a signature page I found that was  
3 produced to me.

4 Is this what you're talking about?

5 A. This appears to be belonging to this  
6 contract.

7 Q. Okay. So can you tell looking at this  
8 page when the contract started to govern the  
9 relationship between the Illinois Department of  
10 Corrections and Wexford?

11 A. This would have been effective  
12 December 17th of 2005.

13 Q. Okay. As far as you know, did the  
14 general terms of this contract continue through 2006  
15 and 2007 as well?

16 A. Yes.

17 Q. I'd like you to turn to page -- of the  
18 contract, back to the contract here, page -- it's on  
19 the bottom right-hand corner. It says WEX110. Do  
20 you see it's got little labels there?

21 A. Uh-huh. Yes.

22 Q. Okay. At the very bottom in 2.3.10.1, it  
23 says, "vendor" -- I assume that's referring to  
24 Wexford?

1 figure out which story is correct.

2 MR. TJEPKEMA: Objection, asked and answered.

3 He testified Wexford did not provide for a chief  
4 dentist.

5 BY MR. DONOHO:

6 Q. So that's your story, that --

7 A. Can you ask the question? I'm not sure  
8 what the question is.

9 Q. Sure.

10 So your answer is that Wexford did not  
11 provide a chief dentist at all during this time?

12 A. That's correct.

13 Q. Okay. And when I say "during this time,"  
14 I mean during the time frame we discussed, right,  
15 which is from December 17, 2005, through 2006 and  
16 through 2007?

17 A. Correct.

18 Q. Okay.

19 (WHEREUPON, a certain document  
20 was marked Deposition Exhibit No.  
21 4, for identification, as of  
22 03/27/2013.)

23 (WHEREUPON, the document was  
24 tendered to the witness.)

# **EXHIBIT 4**



Contract for Services  
2006-05-001  
1 of 105

EXHIBIT 2  
FOR I.D. 3-27-13 W3

CONTRACT FOR SERVICES  
between  
ILLINOIS HEALTHCARE AND FAMILY SERVICES  
ILLINOIS DEPARTMENT OF CORRECTIONS  
and  
WEXFORD HEALTH SOURCES, INC.  
2006-05-001

The following pages, including any attachments or amendments, will constitute the binding and enforceable contract between the Agency/Buyer and Vendor based upon the submission of the bid and any subsequent negotiations. The Contract is arranged as follows:

1. **AGENCY/BUYER AND VENDOR CONTACT PAGE:** This section provides for the Agency/Buyer and Vendor to specify contact people for the Contract.
2. **SERVICES VENDOR AGREES TO PERFORM:** The Agency/Buyer requests from Vendor, in this section, a detailed description of how Vendor will meet the contractual requirements and Agency/Buyer needs.
3. **PRICE/COMPENSATION:** This section will detail pricing/compensation requirements with at least the following categories of information: (1) Method and Rate of Compensation, (2) Maximum Compensation for Supplies and/or Services, (3) Expenses, (4) Payment Terms and Conditions, (5) Discounts, (6) Tax Exemption.
4. **TERMS AND CONDITIONS:** This section contains the State's terms and conditions for this Contract.
5. **AGENCY/BUYER SUPPLEMENTAL TERMS AND CONDITIONS:** This section indicates whether or not any supplemental terms and conditions are attached and applicable to this Contract.
6. **STATE FORMS REQUIRED OF VENDOR:** This section includes all State Forms that are required to be included in the Contract.
7. **SIGNATURE PAGE: CONTRACT FOR SERVICES:** This section provides for the Agency/Buyer and Vendor to sign and execute the Contract.

Contract for Services  
2006-05-001  
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Facility	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Shift Weekly Hours	Shift FTE	Option A Weekly Hours	Option A FTE
Menard											
Day Shift											
Clinical Psychologist		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Dental Assistant		16.00	16.00	16.00	16.00	16.00		80.00	2.00	80.00	2.00
Dental Director		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Dentist		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Medical Director		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Medical Records Director								0.00	0.00	-	-
Optometrist		10.00						10.00	0.25	10.00	0.25
Oral Surgery								0.00	0.00	-	-
Pharmacy Technician		16.00	16.00	16.00	16.00	16.00		80.00	2.00	80.00	2.00
Physical Therapist								0.00	0.00	-	-
Physical Therapy Assistant								0.00	0.00	-	-
Physician	8.00	8.00	8.00	8.00	8.00	8.00	8.00	56.00	1.40	56.00	1.40
Physician Asst/Nurse Practitioner		8.00	8.00	8.00	8.00	8.00		40.00	1.00	96.00	2.40
Psychiatrist		10.00	10.00	12.00	12.00	20.00		64.00	1.60	64.00	1.60
Radiology Technician		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Registered Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00	120.00	3.00
Social Worker		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Staff Assistant		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Social Worker Supervisor		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Subtotal	8.00	140.00	130.00	132.00	132.00	140.00	8.00	690.00	17.25		
Evening Shift											
Physician Asst/Nurse Practitioner	8.00	8.00	8.00	8.00	8.00	8.00	8.00	56.00	1.40		
Registered Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
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								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
Subtotal	8.00	16.00	16.00	16.00	16.00	16.00	8.00	96.00	2.40		
Night Shift											
Registered Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
Subtotal	0.00	8.00	8.00	8.00	8.00	8.00	0.00	40.00	1.00		
Menard Total	16.00	164.00	154.00	156.00	156.00	164.00	16.00	826.00	20.65	826.00	20.65

WEX155

Contract for Services  
2006-05-001  
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Facility	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Shift Weekly Hours	Shift FTE	Option A Weekly Hours	Option A FTE
Stateville CC											
Day Shift											
Dentist		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Director of Nursing		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
ENT Clinic								0.00	0.00	-	-
General Surgery								0.00	0.00	-	-
Medical Director		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Medical Records Director		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Mental Health Administrator		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Nutritional Clinic/Reg. Dietician								0.00	0.00	-	-
Ophthalmologist								0.00	0.00	-	-
Optometry		6.00						6.00	0.15	6.00	0.15
Oral Surgery								0.00	0.00	-	-
Orthopedics Surgery								0.00	0.00	-	-
Physical Therapist								0.00	0.00	-	-
Physical Therapy Aide								0.00	0.00	-	-
Physician		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Physician Asst/Nurse Practitioner		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Podiatry								0.00	0.00	-	-
Psychiatrist		8.00	8.00	8.00	8.00			32.00	0.80	32.00	0.80
RN		8.00	8.00	8.00	8.00	8.00		40.00	1.00	120.00	3.00
Speech Therapist								0.00	0.00	-	-
Staff Assistant		8.00	8.00	8.00	8.00	8.00		40.00	1.00	40.00	1.00
Supervising Nurse								0.00	0.00	80.00	2.00
Subtotal	0.00	86.00	80.00	80.00	80.00	72.00	0.00	398.00	9.95		
Evening Shift											
Supervising Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00		
Registered Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
Subtotal	0.00	16.00	16.00	16.00	16.00	16.00	0.00	80.00	2.00		
Night Shift											
Supervising Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00		
Registered Nurse		8.00	8.00	8.00	8.00	8.00		40.00	1.00		
								0.00	0.00		
								0.00	0.00		
								0.00	0.00		
Subtotal	0.00	16.00	16.00	16.00	16.00	16.00	0.00	80.00	2.00		
Stateville Total	0.00	118.00	112.00	112.00	112.00	104.00	0.00	558.00	13.95	558.00	13.95

# **EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID C. GEVAS,                    )  
                                      )  
                  Plaintiff,        )  
                                      )  
          vs.                        ) No. 08 C 3074  
                                      )  
TERRY McCANN, et al.,        )  
                                      )  
                  Defendants,        )

                  The Discovery Deposition of  
  
DR. JACQUELINE MITCHELL, taken before RENEE C.  
  
KERR, Certified Shorthand Reporter, in the  
  
State of Illinois, County of Cook, at  
  
Stateville Correctional Center, 16830 South  
  
Broadway Street, Joliet, Illinois,  
  
on the 25th day of March, A.D., 2013,  
  
at 11 o'clock a.m.

Reported By: Renee C. Kerr

License Number: 084-001508

1 if any of these are correct or not.

2 Chris, did you do this with any  
3 help from her.

4 MR. WALTER: I ran it by her, but I  
5 did a lot of it from documents. I definitely  
6 made some mistakes, but I think on that one  
7 especially, I think when we talked, you didn't  
8 have any administrative role in the healthcare  
9 unit itself, did you?

10 THE WITNESS: I was acting healthcare  
11 unit administrator; but, I was not in dental.

12 BY MR. DONOHO:

13 Q So as acting healthcare unit  
14 administrator, I'm sorry, you did do some  
15 evaluations of Dr. Saffold, Fischman and Garg?

16 A Yes.

17 Q Not Dr. Selmer?

18 A That would be correct.

19 Q What about -- okay. So look at 82  
20 then on Exhibit 2. I am not sure if these --  
21 what your position is on these now or IDOC's  
22 position.

23 All right. Between -- Number  
24 82. So it says in 2007 Dr. Mitchell was